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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,248	09/17/2001	Leo Martis	DI-4641 CONT	8992

29200 7590 03/25/2005

BAXTER HEALTHCARE CORPORATION  
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EXAMINER

KEYS, ROSALYND ANN

ART UNIT PAPER NUMBER

1621

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/955,248

09/17/2001

Leo Martis

DI-4641 CONT

EXAMINER

Keys, Rosalynnd

ART UNIT

PAPER

1621

20050321

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Commissioner for Patents

## Response to Amendment


1. The reply filed on March 7, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The Applicants fail to address the issue of whether the claimed carbon dioxide partial pressure is inherently taught by Schambye and Veech (see paragraphs 5 and 6 of the last office action, mailed October 4, 2004) nor the issue of whether it would have been obvious to modify the bicarbonate and weak acid concentrations of Schambye and Veech in order to obtain carbon dioxide partial pressures approximately the same as the pCO<sub>2</sub> of blood (see paragraphs 9 and 10 of the last office action, mailed October 4, 2004). See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosalynnd Keys whose telephone number is 571-272-0639. The examiner can normally be reached on M and F 3:00-8:00 pm and T-Th 5:30-10:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rosalynnd Keys Primary Examiner Art Unit 1621

March 21, 2005

  
Rosalynnd Keys  
Primary Examiner  
Art Unit: 1621

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